



United Nations Conference on Trade and Development

Distr.
GENERAL

TD/B/C.4/322
30 March 1990

Original: ENGLISH

TRADE AND DEVELOPMENT BOARD
Committee on Shipping
Fourteenth session
Geneva, 21 June 1990
Item 2 of the provisional agenda

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK */

Provisional agenda, annotations to the provisional
agenda and suggestions for the organization of the
work of the Committee

Note by the UNCTAD secretariat

I. PROVISIONAL AGENDA **/

1. Election of officers
 2. Adoption of the agenda and organization of work
 3. Multimodal transport
 4. Economic co-operation among developing countries in the field of shipping, ports and multimodal transport
 5. Work programme
 6. Provisional agenda for the fifteenth session of the Committee
 7. Other business
 8. Adoption of the report of the Committee to the Trade and Development Board
- Annexes

*/ Possible two-day meeting on the rules of procedure for the Review Conference on the Convention on a Code of Conduct for Liner Conferences; attention is drawn to the note shown in annex II to the present document.

**/ As approved by the Trade and Development Board at the second part of its thirty-fourth session (TD/B/1174/Vol.1).

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1: Election of officers

Rule 18 of the rules of procedure of the main Committee of the Trade and Development Board states that: "At the commencement of the first meeting of each regular session, the Committee shall elect a Chairman, five Vice-Chairmen and a Rapporteur from among the representatives of its members. These officers shall constitute the Bureau of the Committee. In electing the officers, due account shall be taken of the need to ensure an equitable geographical distribution". 1/

In accordance with rule 19 and the cycle for the rotation of groups, 2/ the Chairman of the Committee at its fourteenth session, which is the seventh of a seven-session cycle, is to be elected from among the representatives of members of Group B and the Rapporteur is to be elected from among the representatives of members of Group C (Latin America). One vice-chairman is to be elected from each of the following groups: A (Africa), A (Asia), B, D, as well as from China.

Item 2: Adoption of the agenda and organization of work

The Committee may wish to adopt the provisional agenda, as set out in section I above. Section III of this note contains suggestions for the organization of the work of the Committee.

Item 3: Multimodal transport

Documents:

- "Economic and commercial implications of the entry into force of the Hamburg Rules and the United Nations Convention on International Multimodal Transport of Goods" (TD/B/C.4/315 Part II)
- "Inventory of existing mandates and new draft programme of work in the fields of multimodal transport and technological development" (TD/B/C.4/323)
- "Developments in multimodal transport" (TD/B/C.4/328)
- "Review of developments in the standardization of containers and related activities" (TD/B/C.4/329)
- "Information material for shippers to make the most efficient use of multimodal transport" (TD/B/C.4/330).

Document TD/B/C.4/315 (parts one and two) deals with the economic and commercial consequences of the entry into force of the United Nations Convention on the Carriage of Goods by Sea (the Hamburg Rules) (part one) and the United Nations Convention on International Multimodal Transport of Goods (part two). Pursuant to resolution 55 (XI), the two parts will be combined into a booklet to be issued in due course. The Committee may wish to take note of this report.

Pursuant to resolution 61 (XIII), the secretariat has prepared, in document TD/B/C.4/323, a detailed inventory of the studies carried out in response to decision 36 (IX) and later mandates given to the secretariat. The second part of the document contains a brief presentation of the results and a suggestion for further work in the field of multimodal transport, containerization and technological development, which the Committee may wish to consider and endorse as appropriate.

In resolution 61 (XIII), the secretariat was also requested to complete the outstanding requests for studies on multimodal transport and containerization. Document TD/B/C.4/328 has been submitted in response to this request. It is divided into four parts. Part one deals with issues related to technological developments. In this field the Committee may wish to request the secretariat to undertake information activities for the transport industry in developing countries in close co-operation with FALPRO and ECE and with the other regional commissions, as well as keeping these developments under review and to report thereon from time to time in order to assist developing countries in obtaining the benefits from investment in these new technologies. The section dealing with international physical distribution draws attention to the increasing sophistication of transportation methods such as the just-in-time (JIT) concept and warns that inability to respond adequately to importer requirements may create a situation where export potential may be lost. It also points out that transport operators in few, if any, developing countries today offer such total transport systems and warns that very considerable efforts may have to be made by such transport operators if they are to compete with their better-equipped rivals. The Committee may wish to request the secretariat to study this subject in more depth so as to make appropriate suggestions for transport operators from developing countries on how best to compete in this new, sophisticated transport market. Part two of the study deals with the role of freight forwarders in developing countries. In particular, it highlights the frequent lack of recognition, accreditation, distribution capabilities and training of freight forwarders in developing countries. The Committee may wish to give guidance to the secretariat on further work to be conducted in this field in close co-operation with the industry and the regional commissions. Part three is a report on progress with elaboration of a standard form and model provisions for MT documents based on the Hague Rules and the Hague-Visby Rules; the Committee may wish to take note of the new draft rules elaborated by UNCTAD jointly with the commercial parties. It is hoped that the draft of these new rules will be finalized before the Committee meets. Part four deals with the reference library for multimodal transport container tariff rules. The library has not elicited the response expected and the Committee may wish to decide to terminate the library.

Pursuant to decision 36 (IX) and resolution 60 (XII), the secretariat has kept activities in the field of standardization of containers under review and has prepared a report on the feasibility of introducing a system for compiling reliable container statistics. Document TD/B/C.4/329 has been submitted in response to these two requests. It first examines developments in standardization of container sizes and draws attention to the evolution of sizes beyond the ISO 668 standards. It notes that these larger sizes may create problems in many countries. It goes on to examine currently available container statistics and finds these lacking. The Committee may wish to request that the secretariat (a) undertake a comprehensive study of new-generation containers, taking into account the interests of all parties,

and (b) participate in further studies of future requirements for containers. The Committee may also wish to request that the secretariat continue its work to produce more accurate container statistics.

In light of the complexity of the multimodal transport issues, technological developments and structural adjustments and their impact on the social and economic environment, the secretariat has prepared, pursuant to resolution 60 (XII), information material for shippers to make the most efficient use of multimodal transport taking into account its effects on marketing and total distribution costs. Document TD/B/C.4/330 has been prepared in response to this request. This document may be read together with the section dealing with international physical distribution, presented in document TD/B/C.4/328.

Item 4: Economic co-operation among developing countries in the field of shipping, ports and multimodal transport

Documents:

- "Report of the group of experts on economic co-operation among developing countries in shipping, ports and multimodal transport" (TD/B/C.4/321-TD/B/C.4/AC.10/3)
- "Economic co-operation among developing countries in the field of shipping, ports and multimodal transport - Overview of recent developments" (TD/B/C.4/324)
- "Experience of countries members of the European Communities in developing co-operation in the field of maritime transport" (UNCTAD/SHIP/624)
- "Experience of member countries of the Council for Mutual Economic Assistance in developing co-operation in the field of maritime transport" (UNCTAD/SHIP/625).

The report of the Group of Experts (TD/B/C.4/321) contains 19 recommendations adopted by the Group for the establishment and strengthening of co-operation among developing countries. These appear under four headings: A. Co-operation in operational activities; B. Co-operation in training; C. Co-operation in policy matters; D. Institutional structure. Pursuant to decision 63 (XIII), the report is being submitted to the Committee on Shipping at its fourteenth session for consideration and further decisions in respect of this issue.

In order to assist the Committee in its deliberations, a brief supplementary report has been prepared by the UNCTAD secretariat which contains an overview of recent developments since the meeting of the Group of Experts (TD/B.C.4/324). Pursuant to operative paragraph 7 of the resolution adopted by the Ad Hoc Intergovernmental Group of Senior Officials on Co-operation among Developing Countries in Shipping, Ports and Multimodal Transport (see report of the IGG - TD/B/C.4/311-TD/B/C.4/AC.9/4), two further documents are before the Committee at its fourteenth session. These two reports, which were also made available to the Group of Experts, elaborate on the experiences of countries members of the European Communities and of the Council for Mutual Economic Assistance, respectively, in developing co-operation in the field of maritime transport (UNCTAD/SHIP/624 and 625).

Item 5: Work Programme

Documents:

- "Review of the work programme of the Committee on Shipping, the implementation of decisions thereto and proposals for further work" (TD/B/C.4/325)
- "Review(s) of Maritime Transport 1987 and 1988" (TD/B/C.4/319 and TD/B/C.4/320)
- "Protection of Shipper Interests - Experiences in freight rate negotiations" (TD/B/C.4/332).
- "Developments in world shipping" (TD/B/C.4/333)
- "Final report of the joint intergovernmental group of experts on maritime liens and mortgages and related subjects" (TD/B/C.4/327-TD/B/C.4/AC.8/27)
- "SHIPASSIST Directory" (UNCTAD/SHIP/196/Rev.2)
- "Evaluation of technical assistance and training activities" (TD/B/C.4/331)

A. Shipping policy

The Review(s) of Maritime Transport 1987 and 1988 analyse major developments in merchant fleet development and in world maritime and multimodal transport.

The report on protection of shipper interests - experience in freight rate negotiations (TD/B/C.4/332) is being submitted to the Committee pursuant to operative paragraphs 6 and 7 of resolution 59 (XII). The report briefly examines the historical evolution of relations between shippers' organizations and liner conferences and gives a detailed account of procedures relating to current practices in freight rate negotiations. Attention has also been given to new technological as well as structural developments in liner shipping and the need to develop negotiation procedures which take such developments into account. The report is intended to give guidance to shipper organizations towards increasing their effectiveness in the negotiations and in their activities as a whole.

The report on developments in world shipping (TD/B/C.4/333) has been prepared pursuant to resolution 62 (XIII) on imbalance between supply and demand in world shipping. It provides a general overview of the situation in world shipping and highlights recent developments as regards the imbalance between supply and demand which has been a prominent feature of world shipping during a large part of the last decade.

B. Port development

According to resolution 61 (XIII), it was agreed to hold the second session of the Intergovernmental Group of Experts on Ports during 1989. Due to lack of resources this meeting had been re-scheduled. The following documents are under preparation and will be submitted for consideration to the Intergovernmental Group of Experts on Ports at its next session in September 1990:

- (i) Transshipment facilities;
- (ii) Data processing in the domain of port operation and documentation;
- (iii) Port equipment maintenance; and
- (iv) Possibilities for regional co-operation between ports in developing countries.

In light of the recommendations, the Committee on Shipping may wish to reconsider at its fifteenth session the mandates related to the work of the secretariat in the field of ports. The Committee on Shipping may also wish to provide guidance to the secretariat, in view of the changing roles of ports in the modern transport system.

C. International maritime legislation

Issues concerning maritime legislation are discussed in document TD/B/C.4/325. Further to resolution 61 (XIII), the document reports on the results of the work of the Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects. It also states that the Joint Group, at its sixth session held in September 1989, completed its work on maritime liens and mortgages and recommended to the governing bodies of UNCTAD and IMO the convening of a diplomatic conference for the adoption of the draft Maritime Liens and Mortgages Convention. The final report on the work of the Joint Group, including its recommendations, is contained in document TD/B/C.4/AC.8/27. The Committee is invited to take note of this document and to endorse recommendations contained therein. The Committee may further request the Trade and Development Board to recommend to the General Assembly the convening of a diplomatic conference for the adoption of the draft Maritime Liens and Mortgages Convention.

The Committee is further informed that the twelfth session of the Working Group on International Shipping Legislation is scheduled to be held in October 1990 to deal with the subject of charter parties.

In response to resolution 61 (XIII), the document also reports on:
(i) the establishment and the work of the Maritime Advisory Exchange (previously known as the Maritime Fraud Prevention Exchange); (ii) progress in the work of international organizations on the subject of sea waybills; and (iii) communications received by the secretariat regarding the treatment of merchant vessels in ports at the regional level.

D. Technical assistance and training activities

The SHIPASSIST Directory (UNCTAD/SHIP/196/Rev.2) provides details of technical assistance available from governmental, intergovernmental and non-governmental organizations. Since this Directory was issued in March 1989, no specific requests have been received by the secretariat. This

does not necessarily mean that developing countries have made no use of the information supplied since they were encouraged to contact donor countries and organizations directly. Nevertheless, unless there is some positive feedback on its use, the Committee may decide that there is no need to reissue this Directory.

Document TD/B/C.4/331 was prepared pursuant to resolution 61 (XIII) paragraph 20 which "Urges the UNCTAD secretariat to submit to the fourteenth session of the Committee a comprehensive evaluation of the technical assistance programme ... including an analysis of the costs and, if feasible, practical benefits and an indication of the guidelines and priorities followed by the secretariat ..." It provides an independent evaluation of UNCTAD's technical co-operation activities in the field of shipping, ports and multimodal transport as it has been carried out directly by the Programme Co-ordination and Evaluation Unit.

Item 6: Provisional agenda for the fifteenth session of the Committee

In accordance with rule 8 of the rules of procedure of the main Committees, the secretariat will submit during the session a draft provisional agenda for the fifteenth session of the Committee.

Item 7: Other business

Item 8: Adoption of the report of the Committee

The report of the Committee will be submitted to the Board at its thirty-seventh session.

III. SUGGESTIONS FOR THE ORGANIZATION OF WORK

Pursuant to a decision taken by the Trade and Development Board (see resolution 352 (XXXIV) and TD/B/1154, para. 15), the Committee's session is scheduled for seven working days, from 21 to 29 June 1990. During the week preceding this Committee session, in accordance with paragraph 20 of the report of the Ad Hoc Intergovernmental Working Group on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields, established pursuant to decision 347 (XXXIV) of the Trade and Development Board, 3/ informal pre-sessional consultations should be held between representatives of interested member States and regional co-ordinators on organizational matters.

In accordance with paragraph 27 of the aforementioned report, if necessary, a final plenary meeting may be held in the week succeeding the session solely to adopt the report of the Committee on its fourteenth session.

Throughout the session, facilities will be available for two simultaneous meetings with interpretation, both in the morning and in the afternoon. Normal meeting hours are from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. Limited facilities for group meetings will be available.

Regarding the organization of work, it is suggested that the Committee, after a general debate, may wish to set up two sessional committees to consider and report on certain items of the agenda. It is suggested that it may wish to entrust the first sessional committee with the following agenda items:

- Item 4 - Economic co-operation among developing countries in the field of shipping, ports and multimodal transport
- Item 5 - Work programme of the Committee on Shipping

and to entrust the second sessional committee with agenda item:

- Item 3 - Multimodal transport.

The sessional committees may wish to elect, as officers, a Chairman and a Vice-Chairman-cum-Rapporteur, in accordance with usual practice.

It would expedite the work of the Committee if written proposals could be submitted as early as possible during the session. The Committee may wish to establish a deadline for the submission of written proposals.

The designation of Friends of the Rapporteur, in accordance with usual practice, would facilitate the preparation of the draft report and expedite its adoption.

A tentative schedule of meetings, drawn up on the assumption that two sessional committees will be established after deliberations in plenary, is shown in annex I. The schedule assumes that the Committee will wish to start its session with a general debate on the first five items on its agenda before certain specific items or sub-items are discussed in the sessional committees.

Attention is drawn to the following paragraphs of the report of the Ad hoc Intergovernmental Working Group on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields (TD/B/1154):

- Paragraph 23: Every effort shall be made to commence all meetings within 15 minutes of the time posted for the meeting. If the presiding officer does not find this feasible, he shall inform the meeting of a new starting time, or reschedule it for at least three hours later.
- Paragraph 24: Apart from the last regular day of a session, no meeting should be scheduled to begin after 4 p.m. or continue after 6 p.m.
- Paragraph 25: On the last regular day of a session, the final meeting should be scheduled at the latest for 6 p.m. and should not continue beyond 9 p.m.
- Paragraph 26: At the sessions of the Trade and Development Board, and of the main Committees, every effort should be made to observe a time-limit of 10 minutes for statements by individual delegations and the secretariat.

Notes

- 1/ TD/B/740.
- 2/ Ibid., annex I.
- 3/ See TD/B/1154.

Annex I

Tentative schedule of meetings

Plenary ----- Sessional Committee I ----- Sessional Committee II -----

Thursday, 21 June

- Item 1: Election of officers
- Item 2: Adoption of the agenda and organization of work
- Item 3: Multimodal transport
- Item 4: Economic co-operation among developing countries in the field of shipping, ports and multimodal transport
- Item 5: Work Programme

From Friday, 22 June

- Item 1: Election of officers
- Item 4: Economic co-operation among developing countries in the field of shipping, ports and multimodal transport
 - (a) Consideration of the report of the Group of Experts
 - (b) Overview of recent developments
- Item 5: Work programme
 - (a) Shipping policy
 - (b) Port development
 - (c) International maritime legislation
 - (d) Technical assistance and training

- Item 6: Provisional agenda for the fifteenth session
- Item 7: Other business
- Item 8: Adoption of the report of the Committee

- Item 1: Election of officers
- Item 3: Multimodal transport^{a/}
 - (a) Inventory of existing mandates and new programme of work
 - (b) Developments in multimodal transport
 - (c) Standardization of containers and related activities
 - (d) Information material for shippers

TD/B/C.4/322
Annex I

^{a/} Including consideration of "Economic and commercial implications of the entry into force of the Hamburg Rules and the United Nations Convention on International Multimodal Transport of Goods" (TD/B/C.4/315, Part II).

Annex II

Note by the UNCTAD secretariat

Possible two-day meeting on the rules of procedure for the Review Conference
on the Convention on a Code of Conduct for Liner Conferences

A proposal has been made by Group B to hold a two-day meeting on the rules of procedure for the Review Conference on the Convention on a Code of Conduct for Liner Conferences, in conjunction with the fourteenth session of the Committee on Shipping. Due to the need for internal consultations, it would appear that certain other groups will not be in a position to respond to this proposal until some time in May 1990. If other groups would agree to the convening of this meeting, appropriate arrangements would be made in consultation with regional group co-ordinators in Geneva.